

REMARKS

Applicants acknowledge receipt of the Office Action mailed October 11, 2007.

In the Office Action, the Examiner rejected claim 18 under 35 U.S.C. § 102(e) as being anticipated by *Li et al.* (U.S. Patent No. 6,284,149); rejected claim 14 under 35 U.S.C. § 102(e) as being anticipated by *Ikegami* (U.S. Patent No. 6,355,572); and rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over *Ikegami*.

By this Amendment, Applicants cancel claim 18, without prejudice or disclaimer. Upon entry of this Amendment, claims 1-5 and 14 will remain pending. Of these claims, claims 1 and 14 are independent.

Based on the foregoing amendments, Applicants traverse the rejections above and respectfully request reconsideration for at least the reasons that follow.

I. 35 U.S.C. § 102(e) REJECTIONS

Claim 18 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Li*. Applicants respectfully submit that the rejection of claim 18 has been rendered moot by the cancellation of claim 18, without prejudice or disclaimer. Applicants therefore request that the rejection of claim 18 under 35 U.S.C. § 102(e) be withdrawn.

Claim 14 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Ikegami*. Applicants respectfully disagree with the Examiner's arguments and conclusions and submit that claim 14 is patentable over *Ikegami* at least for the reasons described below.

An applicant may overcome a 35 U.S.C. § 102 or 35 U.S.C. § 103 rejection by perfecting his claim to foreign priority under 35 U.S.C. § 119(a) - (d), where the filing date of Applicant's foreign priority document antedates the date of

availability of the applied reference. See M.P.E.P. §§ 201.13 and 201.15, 8th Ed., Rev. 2 (May 2004), p. 200-66 and 200-91. See also M.P.E.P. § 706.02(b), p. 700-25 (in the context of overcoming a 35 U.S.C. § 102 rejection, on which 35 U.S.C. § 103(a) rejections are based).

The claim for priority may be perfected by filing an English language translation of the foreign priority document, along with a statement that the translation of the priority document is accurate. *Id.*

In view of the above, Applicants direct the Examiner's attention to the attached English language translation of Japanese Patent Application No. 11-303422, to which the present application claims priority. This translation is accompanied by a statement signed by the translator to the effect that the submitted translation is accurate. Accordingly, Applicants' claim to foreign priority has been perfected. Thus, the present application has an effective filing date of at least October 26, 1999.

With respect to the rejection of independent claim 14, Applicants note that *Ikegami*'s date of availability as a reference is presumed to be its filing date of March 6, 2000. Because the priority filing date of Applicants' foreign priority document antedates *Ikegami*'s filing date of March 6, 2000, *Ikegami* does not qualify as prior art under 35 U.S.C. § 102(e). At least in view of *Ikegami* not qualifying as prior art, independent claim 14 is patentable over *Ikegami*. Applicants therefore request that the rejection of claim 14 under 35 U.S.C. § 102(e) be withdrawn.

II. 35 U.S.C. § 103(a) REJECTION

Applicants respectfully traverse the Examiner's rejection of claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over *Ikegami*. *Ikegami* does not qualify as prior

art for the reasons discussed above. Accordingly, claims 1-5 are patentable over *Ikegami*.

III. CONCLUSION

Applicants respectfully submit that claims 1-5 and 14 are in condition for allowance.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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